

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Susan Lindquist	Art Unit :	1649
Patent No. :	7,799,535	Examiner :	Olga N. Chernyshev
Issue Date :	September 21, 2010	Conf. No. :	7099
Serial No. :	09/207,649		
Filed :	December 8, 1998		
Title :	METHODS FOR IDENTIFYING FACTORS THAT CONTROL THE FOLDING OF AMYLOID PROTEINS OF DIVERSE ORIGIN		

Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT

In a Decision on Request for Reconsideration of Patent Term Adjustment (“Decision”) dated December 14, 2010, the United States Patent and Trademark Office (“the Office”) dismissed Patentee’s Application For Patent Term Adjustment (PTA) Under 37 C.F.R. § 1.705(d) for the above patent. The present response is filed timely within the one month period for reply provided by the Decision.

As explained in the Application for PTA filed on November 22, 2010, Patentee complied with an Examiner’s request made in the Notice of Allowability and submitted a courtesy copy of the previously filed declaration together with payment of the issue fee. The Office assessed an Applicant Delay of 42 days for that submission, considering the post-allowance filing a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704(c)(10). In the Application for PTA, Patentee explained that because the inventor declaration had been timely submitted during prosecution of the application and was filed again after allowance only in response to the express request of the Examiner, the post-allowance submission should not be considered a failure to engage in reasonable efforts to conclude prosecution of the application.

The Decision maintained the reduction of 42 days of Applicant Delay, asserting that the record does not support a conclusion that the declaration had been previously submitted. In

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: January 14, 2011.

Applicant : Susan Lindquist
Patent No. : 7,799,535
Issued : September 21, 2010
Serial No. : 09/207,649
Filed : December 8, 1998
Page : 2 of 2

Attorney's Docket No.: 17481-0004001

particular, the Decision stated that a review of the file did not prove that the declaration was filed with the Response to Notice to File Missing Parts filed on March 24, 1999. However, the Decision acknowledged that *prima facie* evidence of the March 24, 1999 filing could exist in the form of a date stamped postcard receipt. In response, and as evidence that the declaration had in fact been filed with the Office on March 24, 1999, enclosed herewith is a copy of the postcard that was stamped as received by the Office on March 24, 1999, clearly establishing that the declaration was enclosed with the Response to Notice to File Missing Parts filed on that date.

In view of Patentee's showing that the inventor declaration had been timely submitted during prosecution of the application, the post-allowance resubmission of a courtesy copy to rectify an error in the Office's recordkeeping should not be considered a failure to engage in reasonable efforts to conclude prosecution of the application under 37 C.F.R. § 1.704(c)(10). Rather, by submitting the requested courtesy copy, Patentee was aiding the Office in concluding prosecution. As such, the Office's assessment of Applicant Delay for this filing was improper and should be corrected so that 0 days of Applicant Delay are assessed for this filing.

In view of the foregoing, the final PTA calculation should be increased by 42 days, from 117 days to a total of 159 days.

No fee is believed due. However, if any fee is due, please charge it to Deposit Account No. 06-1050, referencing Attorney Docket Number 17481-0004001.

Respectfully submitted,

Date: January 14, 2011

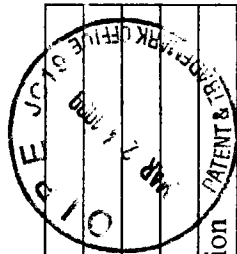
/Jack Brennan/

Jack Brennan
Reg. No. 47,443

Fish & Richardson P.C.
601 Lexington Avenue
Floor 52
New York, NY 10022
Telephone: (212) 765-5070
Facsimile: (877) 769-7945

Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Response to Notice To File Missing Parts; Declaration; Small Entity Declaration; Power of Attorney; Preliminary Amendment; Information Disclosure Statement, form PTO-1449 & Refs. B1 & C1-96; \$589 Check; Copy of Notice			
<input type="checkbox"/> Assignment Enclosed		<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:



IDENTIFICATION OF APPLICATION

Serial No.:	09/207,649
Title:	METHODS FOR IDENTIFYING FACTORS THAT CONTROL THE FOLDING OF AMYLOID PROTEINS OF DIVERSE ORIGIN
Applicant:	SUSAN LINDQUIST
Client:	ARCH DEVELOPMENT
Mailed:	03-22-99
Filed:	
Attorney:	PAR/WIM
AWD File No.:	ARCD:278
Due Date:	3-25-99

25
1990
FAM

POSTAGE WILL BE PAID BY ADDRESSEE

ATTENTION DOCKETING
ARNOLD WHITE DURKEE
P O BOX 4433
HOUSTON TX 77210-9622

1000

100